

E-filed 6/11/07

Thomas M. Kerr (CA State Bar No. 241530)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: tom.kerr@hro.com

Attorneys for Plaintiffs,
CAPITOL RECORDS, INC.; UMG
RECORDINGS, INC.; SONY BMG
MUSIC ENTERTAINMENT; ARISTA
RECORDS LLC; BMG MUSIC; and
WARNER BROS. RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CAPITOL RECORDS, INC., a Delaware
corporation; UMG RECORDINGS, INC., a
Delaware corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; BMG
MUSIC, a New York general partnership; and
WARNER BROS. RECORDS INC., a Delaware
corporation,

Plaintiffs,

v.

MARILYN POWELL,
Defendant.

CASE NO. C-07-1453-JF

Honorable Jeremy Fogel

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs hereby request that the Court continue the case management conference currently
2 set for June 15, 2007, at 10:30 a.m. to September 14, 2007. Plaintiffs filed the Complaint against
3 Defendant on March 13, 2007. Defendant has not yet been served with the summons and complaint.
4 Plaintiffs are diligently attempting to personally serve the Defendant, however Plaintiffs have not yet
5 been able to locate the Defendant. Plaintiffs intend to continue to attempt to personally serve the
6 Defendant, before resorting to alternative forms of service. A case management conference is
7 therefore unnecessary at this time. Plaintiffs therefore request that the Court continue the case
8 management conference currently set for June 15, 2007, at 10:30 a.m. to September 14, 2007.

9
10 Dated: June 6, 2007

HOLME ROBERTS & OWEN LLP


11 By: /s/ Thomas M. Kerr
12 Thomas M. Kerr
13 Attorney for Plaintiffs
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15 **ORDER**

16 Good cause having been shown:

17 **IT IS ORDERED** that the Case Management conference currently scheduled for June 15,
18 2007, at 10:30 a.m. is hereby continued to September 14, 2007.

19
20 Dated: 6/11/07

21 By: 
22 Honorable Jeremy Fogel
23 United States District Judge
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PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On June 6, 2007, I served the foregoing documents described as:

**EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Marilyn Powell
507 N. Comanche Drive
Pinetop, AZ 85935**

XX BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 6, 2007 at San Francisco, California.


Molly Morris